

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re HERALD, PRIMEO and THEMA  
FUNDS SECURITIES LITIGATION,

Civil Action No: 09-CV-289 (RMB(HBP))  
(Consolidated with 09-CV-2032 and 09-CV-  
2558)

ECF

This Document Relates To:

NOTICE OF MOTION TO ADMIT COUNSEL  
PRO HAC VICE

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PLEASE TAKE NOTICE that upon the annexed Declaration of Sheldon Eisenberger, dated November 10, 2010, the accompanying Affidavit of Price O. Gielen dated November 8, 2010, and the exhibits annexed thereto, the undersigned moves this Court for an Order, pursuant to Rule 1.3(c) of the Local Rules for the United States District Court for the Southern and Eastern Districts of New York, admitting Price O. Gielen to the bar of this Court pro hac vice in the above-captioned case as counsel for defendant Sonja Kohn.

Dated: New York, New York  
November 11, 2010

THE LAW OFFICE OF SHELDON EISENBERGER

By: Sheldon Eisenberger  
Sheldon Eisenberger (SE-2021)  
30 Broad Street  
New York, New York 10004  
(212) 422-3843  
*Attorneys for defendant Sonja Kohn*

THE LAW OFFICE OF SHELDON EISENBERGER  
SHELDON EISENBERGER (SE-2021)  
30 Broad Street, 27<sup>th</sup> Floor  
New York, New York 10004  
(212) 422-3843

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re HERALD, PRIMEO and THEMA  
FUNDS SECURITIES LITIGATION,

Civil Action No: 09-CV-289 (RMB(HBP))  
(Consolidated with 09-CV-2032 and 09-CV-  
2558)

ECF

This Document Relates To:

DECLARATION OF SHELDON  
EISENBERGER, ESQ., IN SUPPORT OF  
MOTION TO ADMIT COUNSEL PRO HAC  
VICE

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STATE OF NEW YORK     )  
                                  )     ss:  
COUNTY OF NEW YORK    )

Pursuant to 28 U.S.C. §1746, Sheldon Eisenberger hereby declares as follows:

1. I am a member of the Law Office of Sheldon Eisenberger, counsel for defendant Sonja Kohn in the above captioned action. I submit this Declaration in support of the motion, pursuant to Local Rule 1.3(c) of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, for an Order granting Price O. Gielen admission *pro hac vice* to the bar of the United States District Court for the Southern District of New York in order to argue and try the above-captioned case.

2. I am a member in good standing of the bar of the State of New York and was admitted to practice law on May 24, 1974. I am also a member in good standing of the bar of this Court.

3. I have known Price O. Gielen since approximately 1995. Mr. Gielen is member of the law firm Neuberger, Quinn, Gielen, Rubin & Gibber, P.A., One South Street, 27<sup>th</sup> Floor, Baltimore, Maryland 21202.

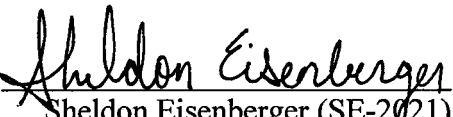
4. I have found Mr. Gielen to be a skilled attorney and person of integrity. He is experienced in Federal practice and is familiar with Federal Rules of Civil Procedure. Mr. Gielen is fully familiar with the facts of this case.

5. Upon the foregoing facts, I am pleased to move for the admission of Price O. Gielen, *pro hac vice*. I respectfully submit a proposed order granting his admission, *pro hac vice*, which is annexed hereto as Exhibit A.

6. Mr Gielen is appearing at the status conference on November 16, 2010 in the above captioned case solely for the limited purpose of addressing the alternative service request made by Lead Plaintiff, Repex Ventures, S.A. and without waiving Defendant Sonja Kohn's right to object to service of process, jurisdiction or venue in the above-captioned case. Indeed, by making this motion, defendant Sonja Kohn does not waive her right or compromise any rights she may have to object to any purported service of process, to jurisdiction or to venue in the above-captioned case.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 10<sup>th</sup> day of November, 2010, in New York, New York.

THE LAW OFFICE OF SHELDON EISENBERGER

By:   
Sheldon Eisenberger (SE-2021)  
The Law Office of Sheldon Eisenberger  
30 Broad Street--27<sup>th</sup> Floor  
New York, New York 10004  
(212) 422-3843  
*Attorneys for Defendant*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re HERALD, PRIMEO and THEMA  
FUNDS SECURITIES LITIGATION,

This Document Relates To:

) Civil Action No: 09-CV-289 (RMB(HBP))  
) (Consolidated with 09-CV -2032 and  
) 09-CV-2558)  
)  
) ECF  
)  
) ORDER FOR ADMISSION *PRO HAC*  
) *VICE* ON WRITTEN MOTION  
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Upon the motion of Sheldon Eisenberger and said sponsor attorney's Declaration  
in support;

IT IS HEREBY ORDERED that

Price O. Gielen, Esquire  
Neuberger, Quinn, Gielen, Rubin & Gibber, P.A.  
One South Street, 27th Floor, Baltimore, Maryland 21202  
Tel: (410) 332-8584  
Fax: (410) 332-8561  
Email: pog@nqgrg.com

is admitted to practice *pro hac vice* as counsel for Defendant, Sonja Kohn in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. Counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: November \_\_\_\_, 2010  
New York, New York

\_\_\_\_\_  
The Honorable Richard M. Berman, USDJ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re HERALD, PRIMEO and THEMA  
FUNDS SECURITIES LITIGATION,

This Document Relates To:

) Civil Action No: 09-CV-289 (RMB(HBP)  
) (Consolidated with 09-CV -2032 and  
) 09-CV-2558)  
)  
) ECF  
)  
) AFFIDAVIT OF PRICE O. GIELEN IN  
) SUPPORT OF MOTION FOR  
) ADMISSION  
-----

I, Price O. Gielen, under oath, depose and state the following:

1. I submit this affidavit in support of the Motion for Admission for the purpose of representing Defendant, Sonja Kohn ("**Mrs. Kohn**") in the above-captioned matter.

2. I am a member of the law firm of Neuberger, Quinn, Gielen, Rubin & Gibber, P.A., One South Street, 27th Floor, Baltimore, Maryland 21202. My telephone number is (410) 332-8584. I am a 1976 graduate of Georgetown University Law Center. I am and have been a member in good standing of the bars of the State of Maryland and the District of Columbia since 1976; and of the bars of the Fourth Circuit of the United States and the U. S. District Court for the District of Maryland since 1977. Attached hereto as Exhibit 1 are Certificates of Good Standing attesting to my admission to the bars of the State of Maryland and the District of Columbia. Since the dates of my first admission, I have at all times remained a member in good standing in these Courts.

3. I am not now, nor have I ever been, suspended or disbarred from practicing law.

4. I have no disciplinary matters pending against me.

5. If admitted pursuant to Local Rule 1.3(c) to this Court, I will be admitted solely for the purpose of participating in the above-captioned matter.

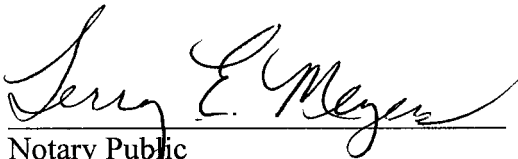
6. I am willing and able to comply with all rules of this Court in relation to admission, professional conduct and procedure.

Dated this 8<sup>th</sup> day of November, 2010.



Price O. Gielen

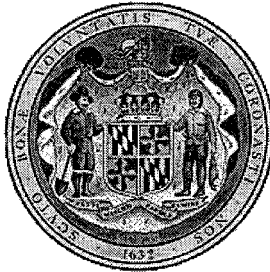
Subscribed and sworn to before  
Me this 8<sup>th</sup> day of November, 2010.



Notary Public

My Commission Expires: 12-6-2012

**Court of Appeals  
of Maryland**  
Annapolis, MD



***CERTIFICATE OF GOOD STANDING***

*STATE OF MARYLAND, ss:*

*I, Bessie M. Decker, Clerk of the Court of Appeals of Maryland,  
do hereby certify that on the twenty-ninth day of December, 1976,*

**Price Owen Gielen**

*having first taken and subscribed the oath prescribed by the Constitution and  
Laws of this State, was admitted as an attorney of said Court, is now in good  
standing, and as such is entitled to practice law in any of the Courts of said  
State, subject to the Rules of Court.*

**In Testimony Whereof,** *I have hereunto  
set my hand as Clerk, and affixed the Seal  
of the Court of Appeals of Maryland, this  
eighth day of November, 2010.*

*Bessie M. Decker*

*Clerk of the Court of Appeals of Maryland*



District of Columbia Court of Appeals  
Committee on Admissions  
430 F Street, N.W. — Room 123  
Washington, D. C. 20001  
202 / 879-2710

I, JULIO A. CASTILLO, Clerk of the District of Columbia  
Court of Appeals, do hereby certify that

PRICE OWEN GIELEN

was on the 21<sup>ST</sup> day of OCTOBER, 1977

duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on  
November 10, 2010.

JULIO A. CASTILLO  
Clerk of the Court

By: \_\_\_\_\_

*B. Pendergast*  
Deputy Clerk



**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF NEW YORK )

**DALIA LEVINE**, being duly sworn, deposes and says:

I am over 18 years of age and I am not a party to this action.

On the 11<sup>th</sup> day of November 2010, I served, via U.S mail, a true copy of the annexed **Motion to admit counsel pro hac vice** in envelopes addressed to:

Stephen Douglas Bunch, Esq.  
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New York, NY 10010

Catherine A. Torell, Esq.  
Cohen Milstein Sellers & Toll P.L.L.C  
88 Pine Street, 14<sup>th</sup> Floor  
New York, NY 10005

  
\_\_\_\_\_  
DALIA LEVINE

Sworn to before me this 11<sup>th</sup>  
day of November 2010

  
\_\_\_\_\_  
Notary Public

**GABRIEL S. ROSENBERG**  
Notary Public, State of New York  
No. 02RO6063829  
Qualified in Nassau County  
Commission Expires 2013